

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

FILED

UNITED STATES DISTRICT COURT

for the

District of

Division

2018 MAY 16 PM 12:48

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

Case No. 1:18 CV 1134

(to be filled in by the Clerk's Office)

JUDGE NUGENT

MAG. JUDGE BAUGHMAN

Jim T. Glover Jr.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Corporal Boardman/Corr. officer IRLON
Doctor Kopeblent/Dr. Tallman/Brian
Hennessey/Registered nurse Lagacera/Officer
Neice/Corporal ROBINSON

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Jim T. Glover Sr.

All other names by which
you have been known:

Jim T. Glover

ID Number

0236844

Current Institution

Cuyahoga County Corr. Center

Address

1200 Ontario Street

Cleveland

Ohio

44113

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Corporal Boardman

Job or Title (*if known*)

Corporal of 7th floor bail 1

Shield Number

Employer

Cuyahoga County Corr. Center

Address

1200 Ontario Street

Cleveland

Ohio

44113

City

State

Zip Code

☒ Individual capacity☒ Official capacity**Defendant No. 2**

Name

Brian Hennessey

Job or Title (*if known*)

Mail Room worker

Shield Number

Employer

County Cuyahoga Corr. Center

Address

1200 Ontario Street

Cleveland

Ohio

44113

City

State

Zip Code

☒ Individual capacity☒ Official capacity

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Defendant No. 3

Name

Ms. LaGracia

Job or Title (if known)

Registered Nurse

Shield Number

Employer

Cuyahoga County, Corr. Center

Address

1200 Ontario Street

Cleveland

City

OHIO

State

44113

Zip Code

☒ Individual capacity☒ Official capacity

Defendant No. 4

Name

Mss. Kopeblent

Job or Title (if known)

Mental Health doctor

Shield Number

Employer

Cuyahoga County Corr. Center

Address

1200 Ontario Street

Cleveland

City

OHIO

State

44113

Zip Code

☒ Individual capacity☒ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

(Cruel and Unusual Punishment)
(Inappropriate Supervision)

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. Corporal Boardman & C/O I. ROIN felonious assaulted me and sexually assaulted me. Dr. Tall man refused me medical treatment, nurse hagrack used mental health as punishment and failed to give me my Qualified Rights which cannot be suspended. Corporal Robinson Threaten my life, to take my life. Brian Hennessey violated Federal mail Rules, by not sending my mail to be mailed.

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose. Corporal Boardman and C/O I. ROIN assaulted and sexually assaulted me on floor 7, Pod C, cell # 7 at 6:30 am, on 12-26-17 corner cell

C. What date and approximate time did the events giving rise to your claim(s) occur?

12-26-17 at approx 6:30 am

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

On 12-26-17, I prisoner Glover 0236844, was placed on suicide watch on the ~~12th~~ 7th floor C Pod. during morning meal bout 6:00 a.m. Corporal Boardman, and Correctional officer, IRION and Christy were passing out breakfast. Corporal Boardman, sprayed me with pepper foam unjustly, for no reason. Corporal Boardman, and Correctional officer IRION. They sprayed my anus and sprayed my testicals and my But hole, also repeatedly stomped and kicked the back of my head and back of torso

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

my spine is unaligned, and have major back injuries. I was receiving physical therapy. my anus is constantly burning now for no reason other than the assault and sexual assault. my mind is damaged by constant reliving these events in my mind

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

500,000.00 plus legal fees add to defendant
and 500,000.00 in punitive damages
no tax deductions (Demand jury trial)

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Cuyahoga County Corr. Center 1200 Ontario Street

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

Yes I grievance the sheriff's department about all my complaints per sheriff handbook

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

I filed the grievance with the Sheriff's Office, as was told to me per Sheriff's handbook

2. What did you claim in your grievance?

In my grievance, I claimed I was physically assaulted by defendants and sexually assaulted by defendants

3. What was the result, if any?

I put in not one, but two grievances, and have not heard back from Sheriff's Office, NO one ever came to speak with me about my grievance nothing

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I grievance the warden, warden say, never heard anything.
I grievance the Sheriff's Office and never heard anything.
Did not get my grievance answered or returned to do any appeal.

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. *I filed many grievances and appeal about my medical care to no avail. The County Corr. Center doesn't respond back to any grievances, Pure abuse of discretion.*

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: April 22, 2018

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Jim T. Glover Jr.
Jim T. Glover Jr.
0236844
1200 Ontario Street, Cuyahoga County Corr Center
Cleveland Ohio 44113
City State Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

City State Zip Code